

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT**

**TRAILSEDGE OWNERS ASSOCIATION,
INC.,**

Plaintiff

CIVIL ACTION NO.:

2:23-CV-00090

- V -

**NED SKI ASSOCIATES, LLC, LAUDON
ASSOCIATES, INC., ESTATE OF DONALD
A. KLEPACKI, LAUREL G. KLEPACKI,
JOSEPH KLEPACKI, and BLUE MOON
DESIGN ARCHITECTURAL DESIGN, LLC,
Defendants.**

**NED SKI ASSOCIATES, LLC, LAUDON
ASSOCIATES, INC., ESTATE OF DONALD A. KLEPACKI,
LAUREL G. KLEPACKI and JOSEPH KLEPACKI,
Third-Party Plaintiffs**

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**MIKE JARVIS, DENNIS RAWSON, MIKE DAVIS,
STEVE DOSTAL, PAUL DULUBAC,
HAMILTON CONSTRUCTION, LLC,
STEVENS ROOFING & SIDING,
SPRAGUE STONEWORK d/b/a VERMONT STONEWORK
SVT MASONRY, LLC and CHRIS BARNEY MASONRY
Third-Party Defendants**

**ASSENTED-TO MOTION TO AMEND THE
THIRD-PARTY COMPLAINT**

NOW COMES the Defendants/Third-Party Plaintiffs, NED Ski Associates, LLC, Laudon Associates, Inc., Estate of Donald, A. Klepacki, Laurel G. Klepacki, and Joseph Klepacki, through the undersigned local counsel, and pursuant to Rule 15 of the Federal Rules of Civil Procedure and Local Rule 15, hereby move this Honorable Court for leave to file an Amended Third-Party Complaint as set forth in **Exhibit B**, attached hereto by correctly identifying the third-party defendant “Paul Dulubac” as Paul Dlubac, III. As grounds therefore, Defendant/Third-Party Plaintiff says:

1. At the time of the Third-Party Plaintiffs' initial Third-Party Complaint, counsel used the Subcontractor Contract between Laudon Associates and "Paul Dulubac" to identify one of the third-party contractors who performed work at the subject project. This identity was confirmed by two separate Certificates of Insurance with Travelers dated June 9, 2011 and June 18, 2012 which listed "Paul Dulubac" as the insured.

2. Counsel for the Defendants/Third-Party Plaintiffs were contacted by a representative of Paul Dlubac, III on September 17, 2024 stating the name of the proper third-party contractor is "Paul Dlubac, III" and not "Paul Dulubac." Accordingly, Defendants/Third-Party Plaintiffs request leave to correct the misnomer / spelling of the name of the Third-Party Defendant

3. V.R.C.P. 15(a) states:

A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been placed upon the trial calendar, the party may so amend it at any time within 21 days after it is served. Otherwise a party may amend the party's pleading only by leave of court or by written consent of the adverse party; and leave shall be freely given when justice so requires.

4. Third-Party Defendant Paul Dlubac, III / Paul Dulubac has been served but has not yet filed a responsive pleading. However, more than twenty-one days have past since the deadline for doing so due to the fact that, according to his representative, he was not properly identified in the Third-Party Complaint. As such, Defendants/Third-Party Plaintiffs seek leave of the Court to file an Amended Third Party Complaint.

5. Counsel for the Plaintiff, Trailsedge Owners Association, Inc., has been made aware of this and **assents** to this Motion to Amend.

6. In accordance with L.R. 15, a redlined version of the proposed amendment designating changes and a non-redlined reproduction of the entire amended filing is attached hereto as **Exhibit A** and **Exhibit B**, respectively.

WHEREFORE, the Third-Party Plaintiffs respectfully requests this Honorable Court:

A. Grant this Motion to Amend the Third-Party Complaint;

B. Add the Amended Third-Party Complaint at Exhibit A to the official court docket; and

C. Enter such other relief as the Court deems just and proper.

Respectfully submitted,

**NED SKI ASSOCIATES, LLC, LAUDON
ASSOCIATES, INC., ESTATE OF DONALD,
A. KLEPACKI, LAUREL G. KLEPACKI, JOSEPH
KLEPACKI,**

By Their Attorneys,

GETMAN, SCHULTHESS, STEERE & POULIN, PA

Dated: October 3, 2024

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